

REMARKS

Claims 1, 9, 25, and 33-49 are pending in this application. Applicant has cancelled Claims 2-8, 22-24, 26-32, without prejudice, Applicant has added new Claims 33-49, and Applicant has amended Claims 1, 9, and 25. Applicant respectfully submits that the newly added Claims 33-49 do not contain new matter. Applicant has also amended independent Claims 1 and 9 so as to more clearly distinguish the present invention, as defined by independent Claims 1 and 9, over the prior art. Applicant respectfully submits that the amendments to each of Claims 1, 9, and 25 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1, 9, 25, and 33-49, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claims 1-9, 22, and 24-31 are rejected under 35 U.S.C. §102(e) as being anticipated by Ballantyne, et. al, U.S. Patent No. 5,867,821 (Ballantyne). The Examiner also asserts that Claims 23 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ballantyne, in view of Mayaud, U.S. Patent No. 5,845,255 (Mayaud).

As noted above, Applicant has cancelled Claims 2-8, 22-24, 26-32, without prejudice, Applicant has added new Claims 33-49, and Applicant has amended Claims 1, 9, and 25. Applicant respectfully submits that the newly added Claims 33-49 do not contain new matter. Applicant has also amended independent Claims 1 and 9 so as to more clearly distinguish the present invention, as defined by each of independent Claims 1 and 9, over the prior art. Applicant respectfully submits that the amendments to each of Claims 1, 9, and 25 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1, 9, 25, and 33-49, is patentable over the prior art.

IA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 1, 25, and 33-44, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 1, 25, and 33-44, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne, Mayaud, and any combination of same. Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, an apparatus, comprising a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, and further wherein the processor generates a notification report containing information regarding at least one of the individual or entity

making the request, identification information regarding the individual or entity, a time and date of the request, a reason for the request, a nature of any change, alteration, or modification, sought to be made or made to the information contained in the patient's healthcare record or the patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the patient's healthcare record or the patient's healthcare file, and a transmitter, wherein the transmitter transmits the notification report to a patient communication device of the patient via, on, or over, a communication network, and further wherein the notification report is transmitted to the patient communication device at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of information contained in the patient's healthcare record or the patient's healthcare file by the individual or user, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request, all of which features are specifically recited features of independent

Claim 1.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient via, on, or over, a communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in the patient's healthcare record or the patient's healthcare file by the individual or user, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request.

Applicant further submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report which contains the recited information regarding at least one of the individual or entity making the recited request, identification information regarding the individual or entity, a time and date of the recited request, a reason for the recited request, a nature of any change, alteration, or modification, sought to be made or made to the recited information contained in the patient's healthcare record or the patient's healthcare file, and

information regarding a subject of a change, alteration, or modification, sought to be made or made to the patient's healthcare record or the patient's healthcare file.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited processor which processes the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in a patient's healthcare record or a patient's healthcare file of a patient, which recited processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, the recited information contained in the patient's healthcare record or the patient's healthcare file, and which recited processor generates the recited notification report.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne, Mayaud, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art. Applicant further submits that Claims 25 and 33-44, which Claims depend either directly or indirectly from independent Claim 1, are also patentable as said Claims 25 and 33-44 depend from allowable subject matter.

Allowance of pending Claims 1, 25, and 33-44 is, therefore, respectfully requested.

**IB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 9 AND 45-47,
IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 9 and 45-47, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 9, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 9, is patentable over Ballantyne, Mayaud, and any combination of same. Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same,

do not disclose, teach, or suggest, an apparatus, comprising a receiver for receiving information regarding a restriction or limitation regarding an ability of an individual or entity to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the information regarding a restriction or limitation is entered by the patient into a patient communication device and is transmitted from the patient communication device, and further wherein the information regarding a restriction or limitation is transmitted to the receiver via, on, or over, at least one of the Internet and the World Wide Web or via, on, or over, a wireless communication network, a memory device for storing the information regarding a restriction or limitation, and a processor for processing a request to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, wherein the processor processes the request utilizing the information regarding a restriction or limitation, and further wherein the processor determines whether an at least one of accessing, obtaining, changing, altering, and modification, of the information contained in the patient's healthcare record or the patient's healthcare file is at least one of authorized, allowed, not authorized, not allowed, and

restricted, based on the information regarding a restriction or limitation, all of which features are specifically recited features of independent Claim 9.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited receiver for receiving the recited information regarding a restriction or limitation regarding an ability of an individual or entity to at least one of access, obtain, change, alter, and modify, the recited information contained in a patient's healthcare record or a patient's healthcare file of a patient, which recited information regarding a restriction or limitation is entered by the patient into the recited patient communication device and is transmitted from the recited patient communication device. Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited information regarding a restriction or limitation which is entered by the patient into the recited patient communication device and is transmitted from the recited patient communication device.

Applicant further submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited information regarding a restriction or limitation

which is transmitted to the recited receiver via, on, or over, at least one of the Internet and the World Wide Web or via, on, or over, a wireless communication network.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited memory device for storing the recited information regarding a restriction or limitation. As noted above, Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited information regarding a restriction or limitation.

Applicant also submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited processor for processing the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in the patient's healthcare record or the patient's healthcare file, which recited processor processes the recited request utilizing the recited information regarding a restriction or limitation, and which recited processor determines whether an at least one of accessing, obtaining, changing, altering, and modification, of the recited information contained in the patient's healthcare record or the patient's healthcare file is at least one of

authorized, allowed, not authorized, not allowed, and restricted, based on the recited information regarding a restriction or limitation. As noted above, Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited information regarding a restriction or limitation.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 9. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over Ballantyne, Mayaud, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over the prior art. Applicant further submits that Claims 45-47, which Claims depend directly from independent Claim 9, are also patentable as said Claims 45-47 depend from allowable subject matter.

Allowance of pending Claims 9 and 45-47 is, therefore, respectfully requested.

IC. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 48 AND 49, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 48 and 49, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 48, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 48, is patentable over Ballantyne, Mayaud, and any combination of same. Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, an apparatus, comprising a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, and further wherein the processor generates a notification report containing information regarding the request, wherein

the information regarding the request contains information regarding at least one of the individual or entity making the request, identification information regarding the individual or entity, a time and date of the request, a reason for the request, a nature of any change, alteration, or modification, sought to be made or made to the information contained in the patient's healthcare record or the patient's healthcare file, and information regarding a subject of a change, alteration, or modification, sought to be made or made to the patient's healthcare record or the patient's healthcare file, and a transmitter, wherein the transmitter electronically transmits the notification report to a patient communication device of the patient via, on, or over, at least one of the Internet and the World Wide Web or via, on, or over, a wireless communication network, and further wherein the notification report is transmitted to the patient communication device at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of information contained in the patient's healthcare record or the patient's healthcare file by the individual or user, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request, all of

which features are specifically recited features of independent Claim 48.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which electronically transmits the recited notification report to the recited patient communication device of the patient via, on, or over, at least one of the Internet and the World Wide Web or via, on, or over, a wireless communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in the patient's healthcare record or the patient's healthcare file by the individual or user, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the recited request.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which electronically transmits the recited notification report to the recited patient communication device at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a

modifying, of the recited information contained in the patient's healthcare record or the patient's healthcare file by the individual or user, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the recited request.

Applicant further submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report which contains the recited information regarding the recited request which contains the recited information regarding at least one of the individual or entity making the recited request, identification information regarding the individual or entity, a time and date of the recited request, a reason for the recited request, a nature of any change, alteration, or modification, sought to be made or made to the recited information contained in the patient's healthcare record or the patient's healthcare file, and the recited information regarding a subject of a change, alteration, or modification, sought to be made or made to the patient's healthcare record or the patient's healthcare file.

Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest,

the recited processor which processes the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in a patient's healthcare record or a patient's healthcare file of a patient, which recited processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, the recited information contained in the patient's healthcare record or the patient's healthcare file, and which recited processor generates the recited notification report. As noted above, Applicant submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report.

In view of the foregoing, Applicant respectfully submits that Ballantyne, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 48. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 48, is patentable over Ballantyne, Mayaud, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 48, is patentable over the prior art. Applicant further

submits that Claim 49 which Claim depends directly from independent Claim 48, is also patentable as said Claim 49 depends from allowable subject matter.

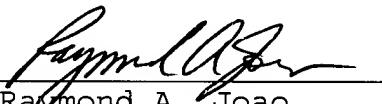
Allowance of pending Claims 48 and 49 is, therefore, respectfully requested.

II. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1, 9, 25, and 33-49 is, therefore, respectfully requested.

A copy of a STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW, filed via facsimile transmission on August 26, 2007, is submitted herewith.

Respectfully Submitted,



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Encls.: - Abstract of the Disclosure
- Copy of STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW, filed via facsimile transmission on August 26, 2007

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